

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

HERBERT L. JOSEPH II

Case No. _____

21-CV-50
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

RECEIVED

JAN 12 2020

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

-v-
① UNIVERSITY OF PITTSBURGH BARCO
② DUQUESNE UNIVERSITY LAW SCHOOL
③ POINT PARK UNIVERSITY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

HERBERT L. JOSEPH II

Street Address

432 PARKWOOD ROAD

City and County

PITTSBURGH - ALLEGHENY CITY

State and Zip Code

PENNSYLVANIA-15210-2518

Telephone Number

(412) 381-7321 (OFF) (412) 381-5466 (PAX)

E-mail Address

herbert.l.joseph.ii@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

UNIVERSITY of PA. BARO / No School
 ATT: Stephen S. Gilson
 4200 FIFTH Avenue - Suite 200
 Pittsburgh - ALLEGHENY County
 PENNSYLVANIA 15206
 (412) 624-1602 Direct (412) 624-1146
 (FAX)

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Duquesne University
 OFFICE OF THE DEAN - No School
 600 FORBES AVENUE
 Pittsburgh, Allegheny County
 Pennsylvania 15202
 (412) 396 6300

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

POINT PARK University
 OFFICE OF President
 201 WOOD Street
 Pittsburgh - ALLEGHENY County
 (412) 391-4100

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

88-352 (78 Stat 241) CIVIL RIGHTS Act of 1964
 See: 42:1981 CIVIL RIGHTS & subsequent Civil Statutes
 RICO Act AGAINST Defendants' 1 & 2

B. If the Basis for Jurisdiction Is Diversity of Citizenship N/A**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the
 State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of
 the State of (name) _____. Or is a citizen of
 (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

SEE ATTACHED FOR Additional Two Defendants

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Defendant ① - UNIVERSITY OF PITTSBURGH BARCO SCHOOL OF LAW

PLAINTIFF WAS RESEARCHING & OR READING OWN MATERIALS AT THE BARCO LAW LIBRARY ON FEBRUARY 14, 2020 AT APPROXIMATELY 5:16 PM. PRIOR TO LEAVING, PLAINTIFF TOOK NOTICE OF VARIOUS BUILDING MATERIALS & KNELT TO PRAY BRIEFLY BEFORE DEPARTING. AN EMPLOYEE ENCROACHED UPON HIS PERSONAL SPACE WHILE PRAYING; THEN INSTRUCTED HIM TO LEAVE THE PREMISES WHILE PHONING CAMPUS POLICE. DEFT.

IV. Relief *ISSUED A CRIMINAL DEFERRED JUDGMENT AGAINST PLAINTIFF ON 02/21/20. PLAINTIFF ALSO COMPLAINED WITH PA HRC.*

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PLAINTIFF SUEES A TOTAL OF \$4,200,000 TO BE DIVISIBLE AMONGST DEFENDANTS FOR ACTUAL DAMAGES OF \$3,000,000 AND PUNITIVE DAMAGES OF \$1,200,000. THE CONSPIRACIOUS ACTIONS OF THE FIRST TWO DEFENDANTS LEFT HIM BEYOND OF LOCAL LAW LIBRARIES FOR CONSULTATIONS CONCERNING LEGAL DISPUTES. PLAINTIFF SUFFERED SEVERE DEPRESSION AND ANXIETY AS A RESULT OF THESE CONSPIRATORIAL ACTS. THE THIRD DEFENDANT, POINT PARK UNIVERSITY, HAS CAUSED PLAINTIFF UNTOGETHER DUESS THROUGH HIS FOUR DAYS IN THE COUNTY JAIL FOR A PARKING TICKET. HE NEARLY DIED THEREIN.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

January 11, 2021

Signature of Plaintiff

Herbert L. Joseph II

Printed Name of Plaintiff

HERBERT L. JOSEPH II

B. For Attorneys

Pro Se

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

III STATEMENT OF CLAIM

(Defendants Two ~~Other~~)

② Duquesne University School of Law: Plaintiff's LAW School WRITING INSTRUCTOR in 1982 at THE UNIVERSITY of Pittsburgh School of Law was KENNETH GORMLEY, currently President of Duquesne University. HE Phoned the University to tell them that he had information about the LATE DAKOTA JAMES whom had briefly entered his 2000 CADILLAC DTS SEDAN Limousine (PA Lm 22242)

at approximately MIDNIGHT on January 25, 2017 at the entrance of the 6th Street ROBERTO CLEMENTS BRIDGE. THE LAD had knocked on Plaintiff's Driver's Side passenger window as he sought to turn right onto the bridge. Startled, Plaintiff unlocked the door so MR JAMES could enter. He stated he was going to Perrysville Avenue. Plaintiff replied "we cost more than a taxi with an hourly minimum of \$60⁰⁰ and a \$30⁰⁰ short trip rate". MR. JAMES appeared "slightly Elevated", though not drunk, and stated "Hell, I could swim there". Plaintiff looked past the river and Stadium township's MR. JAMES' destination of Perrysville ~~interview~~ and told him that was not possible. MR JAMES then uttered an unusual phrase (not profanity) and exited prior to Plaintiff telling him he'd make an exception to transport him gratuitously. Plaintiff remembers how the statement "Hell I could swim there" was uttered with conviction by DAKOTA JAMES. The cameras did indicate that MR JAMES did enter a vehicle or exit the same; however, the lighting proved insufficient to make a usable Photogenic document for PERUSAL. Plaintiff remembers the decedant's Parents on TV requesting witnesses come forward. Plaintiff did not do so out of FEAR of the POLICE (see CV-18-752). Plaintiff was escorted from the ~~lounge~~ lounge near MR GORMLEY's office to ~~TOLO TO~~ NEVER RETURN.

III STATEMENT OF THE CLAIM

③ POINT PARK UNIVERSITY

In the fall of 2018 Plaintiff parked in a loading zone (30 minutes) adjacent to Point Park University. Plaintiff operated a Limousine Service at that time (J.N. Limousine) which had a commercial magnetic sign affixed to the roof and commercial plates. Several decades earlier Plaintiff would utilize the same space while he attended the University as a paying lessee of Dance Studio Space by the hour. Plaintiff notes on more than one occasion that an employee of the University whose maintenance entrance faced the loading zone spaces was less than enthusiastic about him utilizing said loading zone space.

Plaintiff returned in 33 minutes to retrieve his car & was both surprised and inquisitive as to why a ticket was affixed to his windshield. Plaintiff read the ticket which stated that he had been warned by the aforementioned maintenance shop employee to not utilize this public loading zone. Plaintiff was visibly upset but steadfast in pursuing the officer writing the citation for an explanation. Plaintiff attended traffic court hearings many times but the issuance of this ticket seemed untimely and biased by some racial or other animus. While approaching the officer situated on Point Park Property (Point Park Police issued ticket); he was told to hit the deck, surrounded by 8 police officers, & sent to jail for 4 days and his car towed.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

HERBERT L. JOSEPH II

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

University of Pittsburgh
Duquesne University
POINT PARK UNIVERSITY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

HERBERT L. JOSEPH #
 432 PARKWOOD ROAD
 Pittsburgh, PA 15210-2518
 City State Zip Code
 ALLEGHENY
 (412) 381-7321 (OFF)
 (412) 381-5466 (FAX)
 herbert1joseph115@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

UNIVERSITY OF PITTSBURGH Law School
 STEPHEN S. GILSON - Univ. Counsel
 4200 STATE AVE Suite 2400 CATHEDRAL
 PITTSBURGH PA 15260
 City State Zip Code
 ALLEGHENY
 OFF (412) 624-1602 (FAX) (412) 624-1146
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

OFFICE DUQUESNE UNIVERSITY
 OF THE KENNETH GORMLEY J.D. - President
 600 FORBES AVENUE
 Pittsburgh PA 15282
 City State Zip Code
 ALLEGHENY
 (412) 396-6000
☐ Individual capacity ☒ Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

PAUL Hennigan - PRESIDENT
 201 WOOD Street
 Pittsburgh PA 15222
 Allegheny
 (412) 391-4100

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

N/A

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

① University of Pittsburgh - Event AT BARCOLANO Library
 ② Duquesne University - Event AT Administration Building
 ③ Point Park University - FALL OF 2018 AT Loading zone ON THIRD Avenue.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

① University of Pittsburgh - occurred 2/19/20 - 5¹⁶ pm
 ② Duquesne University - Spring/Summer 2020
 ③ Point Park University - FALL OF 2018

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

① University of Pittsburgh - ISSUED DEFAMATORY TRESPASS CITATION
 ② Duquesne University - ESCORTED OFF CAMPUS then shown Length of Property Lines on FORBES Avenue NOT to be crossed to help to never turn thereupon
 ③ Point Park University - Many Parents & Staff witnessed since this was Parents Weekend / week to VISIT Point Park CAMPUS.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

CURRENTLY PARTICIPATE IN GROUP THERAPY
at Mercy Behavioral Health Center on Weds &
Thursdays from 10am-11am.
Individual counseling Bi-Weekly at
4pm.
TREATMENT OFFERED PLAINTIFF by ALL
DEFENDANTS VIOLATION OF FEDERAL CIVIL RIGHTS
ACTS LEAVING PLAINTIFF TO FEEL HE DOES NOT BELONG
HERE.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$4,200,000 TOTAL DAMAGES
Actual \$3,000,000 (TRIPLED IF RICO
Punitive \$1,200,000 FOUND VIOLATED)

TO be held AGAINST
ALL defendants individually & /OR
collectively.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

January 11, 2021

Signature of Plaintiff

Printed Name of Plaintiff

Herbert L. Joseph
HERBERT L. JOSEPH**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address